S.B.CRIMINAL REVISION PETITION NO.322/2007
(Bajrang Lal Vs. State)

Date of order : 20.9.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R.K. Charan, for the petitioner.
Mr. Vishnu Kachwaha, Public Prosecutor.

Heard learned counsel for the parties and perused the order impugned dated 15.3.2007 passed by Addl. Sessions Judge, Deedwana.

It appears from the order impugned dated 15.3.2007 that the trial Court while observing in the impugned order that no offence under Section 307 I.P.C. is made out against the petitioner remitted the matter to learned Magistrate after framing charges against three persons namely Banwari, Girdhari and Bajrang Lal for offence under Sections 323, 325 and 341 I.P.C.

It is contended by the learned counsel for the petitioner that according to the evidence on record, no charge under Sections 323, 325 and 341 I.P.C. can be framed against the petitioner because there is no allegation against the petitioner with regard to inflicting injury upon injured. He further argued that there is no evidence on record against the petitioner for inflicting injury upon the body of

injured and only vague allegation of abetment is levelled against the petitioner.

I have perused the challan papers.

From perusal of challan papers, it appears that there is no allegation with regard to inflicting injury against the petitioner. The only allegation against the petitioner is that upon abetment by the petitioner other two accused-persons inflicted injury upon the body of injured Brahamanand. In these circumstances, in my opinion, the Addl. Sessions Judge, Deedwana has committed an error while framing charges against the petitioner for main offence under Sections 323, 325 and 341 I.P.C. Therefore, in the interest of justice, the order of framing charges qua the petitioner – Bajrang Lal is set aside and the case is remitted to trial Court with a direction to pass a fresh order after providing opportunity of hearing to the petitioner.

The revision petition stands disposed of accordingly.

(GOPAL KRISHAN VYAS), J .

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